

Message Text

LIMITED OFFICIAL USE

PAGE 01 SAN JO 03000 200044Z

64

ACTION ARA-10

INFO OCT-01 ISO-00 L-03 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 PM-03 H-02 INR-07 NSC-05 PA-01

PRS-01 SP-02 SS-15 AID-05 IO-10 ACDA-05 /070 W

----- 000202

O 192322Z JUL 75

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC NIACT IMMEDIATE 850

LIMITED OFFICIAL USE SAN JOSE 3000

USDEL 015

FOR ARA, USOAS AND L - MARK FELDMAN

E.O. 11652: N/A

TAGS: OCON, OAS

SUBJECT: SAN JOSE CONFERENCE - RIO TREATY, ARTICLE 3

REF: SAN JOSE 2996 (USDEL 12)

1. WORKING GROUP MET MORNING OF JULY 19 IN TOTALLY UNSUCCESSFUL ATTEMPT TO NARROW DIFFERENCES OVER VARIOUS APPROACHES TO ARTICLE 3. SESSION CONSISTED OF LITTLE MORE THAN RESTATEMENT OF POSITIONS. (USDEL ATTENDED AS AN OBSERVER, BUT DID NOT SPEAK.) AT OUTSET OF GENERAL COMMITTEE MEETING, FACIO INDICATED HIS DESIRE THAT PERUVIAN, COSTA RICAN, CEESI DRAFTS EACH BE BROUGHT TO VOTE, APPARENTLY ACTING ON BELIEF--PROBABLY VALID-- THAT PERUVIAN TEXT WOULD BE SOUNDLY DEFEATED AND THAT COSTA RICAN TEXT WOULD OBTAIN THE 11 VOTES NEEDED FOR ADOPTION. HOWEVER, IN COURSE OF DISCUSSIONS IT BECAME APPARENT THAT VAST MAJORITY OF DELEGATIONS, INCLUDING MANY OF THOSE SUPPORTING COSTA RICAN TEXT, DID NOT WISH MATTER TO COME TO A VOTE UNTIL AFTER FURTHER EFFORTS HAD BEEN MADE TO REACH COMPROMISE. FACIO HAS INFORMALLY ACCEPTED THIS POSITION, AND AGREED TO GET

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 SAN JO 03000 200044Z

TOGETHER WITH PERU AND GUATEMALA (CHIEF SPOKESMAN FOR CEESI

DRAFT) IN ORDER TO SEEK COMPROMISE LANGUAGE. AFTERNOON SESSION OF GENERAL COMMITTEE WILL DEAL WITH OTHER ARTICLES, GIVING THIS GROUP AN OPPORTUNITY TO MEET AS NECESSARY BETWEEN NOW AND MONDAY.

2. DESPITE PROBABILITY OF MAJORITY SUPPORT FOR COSTA RICAN VERSION, WE ARE NOT ENTHUSIASTIC ABOUT ADOPTING CRITICALLY IMPORTANT ARTICLE 3 BY BARE MAJORITY, LEAVING SOME DELEGATES WITH THE IMPRESSION IT HAD BEEN RAILROADED THROUGH. AS USDEL REPEATEDLY INDICATED IN ITS (UNSUCCESSFUL) EFFORTS TO OBTAIN SUPPORT FOR TWO-THIRDS VOTING RULE FOR APPROVAL OF TEXTS AT THIS MEETING, WE FEEL IT IMPORTANT TO HAVE CONSENSUS OR NEAR CONSENSUS ON MAJOR PROVISIONS IF AT ALL POSSIBLE, SO AS TO AVOID ADOPTION OF TEXT THAT CANNOT BE WIDELY RATIFIED. MOREOVER, CONSIDERABLE POLITICAL DAMAGE COULD RESULT IF WE DO NOT MAKE AN EFFORT TO REACH A BROADLY ACCEPTABLE AGREEMENT. COSTA RICA AND OTHERS WHO STRONGLY SUPPORT ELIMINATION OF ANY SUBSTANTIVE DIFFERENCE IN TREATMENT BETWEEN INTRA AND EXTRA-CONTINENTAL ATTACKS SHARE THIS VIEW.

3. ALTHOUGH WE DO NOT KNOW HOW FAR COSTA RICANS ARE WILLING TO GO, MOST OBVIOUS COMPROMISE WOULD BE TO BEGIN WITH CEESI LANGUAGE, WITH TREATMENT OF INTRA-CONTINENTAL AND EXTRA-CONTINENTAL ATTACKS, RESPECTIVELY, IN SEPARATE SUB-PARAGRAPHS BUT RETAINING SAME OBLIGATION IN BOTH CASES. THUS, SUBPARAGRAPH 3 OF ARTICLE 3 MIGHT BE MODIFIED TO READ AS FOLLOWS:

"IN THE EVENT OF ARMED ATTACK OF EXTRACONTINENTAL ORIGIN AGAINST ONE OR MORE CONTRACTING PARTIES, AND UNTIL A DECISION IS TAKEN BY THE ORGAN OF CONSULTATION, EACH CONTRACTING PARTY MAY DETERMINE, AT THE REQUEST OF THE PARTY OR PARTIES ATTACKED AND ACCORDING TO THE CIRCUMSTANCES, THE IMMEDIATE MEASURES IT MAY TAKE IN THE EXERCISE OF ITS RIGHT OF INDIVIDUAL OR COLLECTIVE SELF-DEFENSE IN ACCORDANCE WITH ARTICLE 51 OF THE CHARTER OF THE UNITED NATIONS, AND OF THE OBLIGATION CONTAINED IN PARAGRAPH 1 OF THIS ARTICLE."

4. COMMENT. WHILE WE WOULD IDEALLY PREFER ORIGINAL TEXT OF LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 SAN JO 03000 200044Z

ARTICLE 3 OR COSTA RICAN DRAFT, WE BELIEVE MODIFICATION ALONG THESE LINES MEETS OUR ESSENTIAL OBJECTIVES AS SET OUT IN CIRCULAR 175 MEMORANDUM AND ARE PREPARED TO ACCEPT IT UNLESS OTHERWISE ADVISED BY DEPARTMENT. (SPECIFIC REFERENCE TO ARTICLE 51 IN PARAGRAPH DEALING WITH EXTRA-CONTINENTAL ATTACK (BUT NOT IN PARAGRAPH ON INTRA-CONTINENTAL ATTACK) IS NOT IN OUR VIEW A PROBLEM AND WE HAVE ALREADY ACCEPTED IT IN CEESI.)

TODMAN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 19 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975SANJO03000
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750250-0929
From: SAN JOSE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750739/aaaabilm.tel
Line Count: 116
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 SAN JOSE 2996, 75 (USDEL 1
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 08 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 SEP 2003 by BoyleJA>; APPROVED <13 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SAN JOSE CONFERENCE - RIO TREATY, ARTICLE 3
TAGS: OCON, OAS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006